THE HON'BLE SRI JUSTICE P.S.NARAYANA

W.P.No.20452 of 2007

Date : 11-10-2007

Between :

Pulukuri Sampoornamma .. Petitioner

And

The Commissioner, Civil Supplies
A.P., Hyderabad
and others .. Respondents

THE HON'BLE SRI JUSTICE P.S.NARAYANA

W.P.No.20452 of 2007

ORDER:

1. The matter is coming up for admission.

2. Counter affidavit is filed on behalf of the respondents.

3. Heard the Counsel for petitioner Sri Muniraja and the learned Assistant Government Pleader for Civil Supplies.

4. The Writ Petition is filed for a Writ of Mandamus declaring the action of the respondents 2 to 4 in not making allotment of new ration cards among Fair Price Shop Dealers including the petitioner of Podili Town as per the Circular in CCS.ROC.No.PDS-11(3)/12138/2005 dated 22-10-2005 issued by the 1st respondent as illegal, improper, unjust, arbitrary and contrary to law and violative of principles of natural justice and violative of Articles 14 and 21 of the Constitution of India and consequently direct the respondents 2 to 4 to allot the new ration cards to the petitioner's Fair Price Shop as per the Circular CCS.ROC.No.PDS-

11(3)/12138/2005 dated 22-10-2005 issued by the 1st respondent pending disposal of the Writ Petition and to pass such other suitable orders.

5. It is averred that the writ petitioner was selected and appointed as Fair Price Shop Dealer of 11th Ward, Podili in the year 2005 after due process of law by the 3rd respondent in authorization No.17/2005 dated 3-9-2005 and since then the petitioner had been distributing the essential commodities to the card holders without any interruption till date. It is also stated that there are 11 Fair Price Shop Dealers in Podili Town. There are two types of ration cards – (1) PDS cards (Public Distribution Cards i.e., White Cards) i.e., Old White ration cards 3120 cards and (2) AAY Cards (Anthyodaya Anna Yojana Cards) i.e., old AAY Cards 415 cards. There are 4209 New Eyerish PDS White cards and 341 New Eyerish AAY Cards. It is also further stated that as per the allotment made by the 4th respondent in the year 2005, the petitioner was allotted 478 ration cards in total i.e., White ration cards 215 and AAY cards 46 and 270 Pink Cards. It is further stated that in the year 2007 the 4th respondent allotted the essential commodities in Podili Mandal as per the statement of allotment of essential commodities for the year 2007 and the petitioner was allotted 176 cards only. There was a

variation when compared with the allotment of essential commodities by the 4th respondent between the years 2005 and 2007. The discrimination had been shown by the respondents 2 to 4 at the time of allotment of new ration cards to the Fair Price Shop Dealers and some of the Fair Price Shop Dealer had been allotted many ration cards and some of the Fair Price Shop Dealer had been allotted few ration cards due to the arbitrary action of the respondents 2 to 4. It is also further stated that the 1st respondent issued the Circular in CCS.ROC.No.PDS-11(3)/12138/2005 dated 22-10-2005 directing all the Collectors, Joint Collectors and District Supply Officers to issue new ration cards and the same should be attached to the Fair Price Shop Dealers without causing any inconvenience to the card holders by way of covering long distance. Even after receipt of the said Circular by the respondents 2 to 4, they did not attach the new ration cards to the Fair Price Shop Dealers including the petitioner by covering a long distance as per the Circular aforesaid. The respondents 2 to 4 did not distribute the ration cards to the Fair Price Shop Dealers as per the will and wish of the card holders to avoid inconvenience of long distance. At the time of allotment of the ration cards to the Fair Price Shop Dealers including the petitioner,

many irregularities had taken place and with regard to the said irregularities a news item was also published on 11th July 2007 in Eenadu daily newspaper. The 4th respondent replied to the news persons with regard to the said irregularities and agreed that it was a fact that certain irregularities had been committed in the allotment of ration cards to the Fair Price Shop Dealers. The 4th respondent also stated to the news persons that he would distribute the ration cards to the Fair Price Shop Dealers properly within a period of one month and also stated that he would distribute the ration cards as per the Wards and Door Numbers after verification of the ration cards. In spite of the same, even after lapse of two months, the 4th respondent did not initiate any action to distribute the ration cards to the Fair Price Shop Dealers of Podili properly and he also did not implement the Circular dated 22-10-2005 issued by the 1st respondent. It is also further stated that as per the Circular issued by the 1st respondent, respondents 2 to 4 should distribute the ration cards among the Fair Price Shop Dealers of Podili by covering a long distance. It is further stated that the petitioner and one R.V. Satyanarayana made a representation to the 3rd respondent requesting him to

take action in distributing the ration cards among the Fair Price Shop Dealers, Podili by covering a long distance without causing any inconvenience to the card holders and allot the 11th Ward ration cards to the petitioner. In spite of the representation, the 3rd respondent did not initiate any action on the said representation. Due to few ration cards allotted to the petitioner's Fair Price Shop, the petitioner is unable to run the Shop and also unable to lead his livelihood from the meager income derived from the maintenance of the Fair Price Shop. In such circumstances, the writ petitioner approached this Court.

6. In the counter affidavit filed by the 4th respondent several allegations had been denied. It is stated that the writ petitioner was appointed as Fair Price Shop Dealer for the 7th Ward part and 13th Ward but not for 11th Ward in Podili Town by bifurcating the existing F.P. Shops in Podili town. The issue of new Household Supply Cards (ration cards) for Podili Town had started in March 2006 and teams were formed for enumeration of card holders by door to door. At the time of enumeration, as per the request of the card holders they were allotted to the concerned F.P. Shops. Due to the said reason, some F.P. Shop dealers got more cards but there is no irregularity in allotting the cards to the Fair Price Shop

Dealers. The key registers of the F.P. Shops were not supplied yet by the District Supply Officer, Ongole and hence some more time is required for rationalization of the card holders. It is further stated that it is a fact that some Fair Price Shop Dealers had been allotted more ration cards and some of the Fair Price Shop Dealers had been allotted few cards and it happened at the time of enumeration at the request of the card holders but not due to the arbitrary action of the respondents. There is no fault of the respondents in allotting the ration cards to the Fair Price Shop Dealers. The ration cards were allotted to the F.P. Shops at the request and wishes of the card holders at the time of enumeration but not at the discretion of the 4th respondent. Further, no card holder approached the 4th respondent to allot his card to the petitioner's shop and it is clear that there is no fault of the 4th respondent in allotting the cards to the F.P. Shop of the petitioner. It is a fact that some card holders were allotted to the F.P. Shops covering some distance but they are not relating to the petitioner's F.P. Shops. If any card holder feels inconvenience by distance they may request to change their cards to the petitioner's shop, but no card holder had approached the 4th respondent and requested to shift his card to the petitioner's F.P. Shop. Even those cards

which are at different place would go on rationalization after the enumeration work is completed. It is specifically stated that the cards were allotted to the petitioner's F.P. Shop and Sri R.V.Satyanarayana's F.P. Shop as per the request of the card holders at the time of enumeration. It is also a fact that the petitioner and Sri R.V.Satyanarayana requested the 3rd respondent on 8-8-2007 to allot more cards. All the F.P. Shop Dealers of Podili Town were requested to rationalize the cards and distribute them equally among the F.P. Shops on 31-7-2007. In September 2007, 93 White ration cards were further allotted to the petitioner's shop (11.52 Qts) and 77 White Cards (10.40 Qts) and 3 AAY cards were allotted to Sri R.V. Satyanarayana's F.P. Shop before rationalization to avoid inconvenience to the card holders. As aforesaid, the key registers are yet to be received from the District Supply Officer. Further, it is stated that the petitioner cannot complain any illegality nor can insist that he must be allotted all the cards. The District Administration keeping in view the inconvenience of the card holders can take steps while allotting the cards as per the request of the consumers in public interest and hence the Writ Petition be dismissed.

7. The main grievance of the petitioner is that the

Circular CCS.ROC.No.PDS-11(3)/12138/2005 dated 22-10-2005which had been referred to supra is not being followed. Further it is also stated that even otherwise, the Tahsildar is not competent to distribute the cards amongst the Fair Price Shop Dealers.

8. In the light of the facts and circumstances, let the respondents follow the Circular which had been referred to supra and let a competent authority look into all the grievances ventilated by the writ petitioner and take appropriate decision in this regard within a period of four weeks from today and till then status quo as on today to be maintained. The Writ Petition is accordingly disposed of with the above directions. No order as to costs.

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Justice P.S.Narayana

Date : 11-10-2007

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